

LeValle Egg Farms

March 28, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Dear National Organic Standards Board:

We appreciate the opportunity to express the concerns that we have in relation to the National Organic Program Final Rule 7 CFR §205 dated December 21, 2000.

We have been producing certified organic eggs in Pennsylvania since January 1997, and our management process begins with day old chicks. Currently we have five organic laying houses (avg. 10,000 hens) and three organic pullet houses, located in various points in Pennsylvania, that are certified with PCO (Pennsylvania Certified Organics) & NOFA-NY.

I would like to share my concerns that are in addition to the comments that have been submitted (also copied below) by James Shirk from the Penn Ag Poultry Council. We strongly agree with each of the specific concerns that Mr. Shirk has addressed in his comments

I had the opportunity to participate in the North Atlantic Poultry Health & Management Conference held on 3/21/02, in which Eric Sideman spoke on the topic of organic standards for poultry. As part of Mr. Sideman's presentation, he mentioned that one of the primary requirements of the organic consumer is that they receive a safe food for themselves and their family to consume. As a producer in organic eggs in Pennsylvania, we too have set this as our primary objective. Based around this concept, is our unanimous participation for all of our flocks, in the PEQAP (Pennsylvania Egg Quality Assurance Program) program. This program is considered a national leader of the food safety programs for egg production in the United States. The PEQAP program focuses on the specific needs that were identified by the President's Council on Food Safety, during the Clinton Administration, to eliminate Se in eggs. Based upon this conflict in goals, I would make a recommendation for the NOSB have written into the final ruling, the FDA's official response to this meeting this requirement of poultry outdoor access and the relationship in complying with the President's Council on Food Safety for the reduction of Se in eggs.

One of the key components for complying with the PEQAP program is eliminating rodents from accessing the pullet/layer house. We have worked very hard at eliminating any entry points for rodents that are the size of a pencils diameter or larger, into the pullet/layer house. There is a wealth of scientific data supporting the fact that both mice and rats are a vector's for transmission of Se. If we are required to modify our houses to comply with the current draft recommendation, by creating un-restricted access points to the outdoors for the hens, this will diminish all of the accomplishments we have worked so hard to obtain.

The draft recommendation also identifies that the organic consumer is expecting the production of organic eggs to come from hens that have the ability to go outside. During my discussion with Mr. Sideman, he identified that he was not aware of any data supporting that the consumer is actually having this expectation. Mr. Sideman responded to me, saying if anyone would know of any such data it would be Dr. William Lockeretz Acting Director, Center of Agriculture, Food and Environment and Program in Agriculture, Food and Environment at Tufts Nutrition University. I had contacted Dr. Lockeretz on 3/22/02 to discuss this subject, and he responded that he was not aware of any such information, that identifies the organic consumer has these expectations (organic laying hens need access to the outdoors).

I do support that there is an opportunity for the production of organic eggs that are raised on pasture, because I believe there is a market for this commodity. But, I would request that the NOSB not try to meet the needs of these two markets, by combining the requirements into one set of standards. I would make the recommendation, that there be two types of organic poultry standards developed. One that would be certified organic pasture, and those flocks have the requirement to access the outdoors, and the other for cage free/roaming that would be following the current standards, w/o requiring access to the outdoors.

As you prepare to make decisions that will clearly effect the future of our farms producing organic eggs, I would ask that you please base the final decision from the wealth of scientific data identifying how detrimental it will be to the hens, consumers, farmers and environment if the hens are required to access the outdoors.

Once again, I would ask the NOSB to review the public comments listed below by Mr. James Shirk with the Penn Ag Poultry Council, as these comments were put together by a group of dedicated and experienced poultry resources.

Sincerely,

Chris Pierce
LeValle Egg Farms
Annville, Pennsylvania

Public Comments submitted by Mr. James Shirk, Penn Ag Poultry Council:

March 27, 2002

The National Organic Standards Board
c/o Katherine Benham
Room 4008 – South Building
1400 and Independence Avenue, SW
Washington, DC 20250-0001

Thank you for the opportunity of sharing the egg industry's concerns with the National Organic Program Final rule 7 CFR §205 dated December 21, 2000. We have serious concerns that the final rule will have a significant negative impact the production of organic eggs in the state of Pennsylvania.

The industry's concerns center on §205.238 "Livestock health care practice standards" and §205.239 "Livestock living conditions." Regulations for the organic production of eggs which potentially harm the health of the chickens contravenes the basic tenet of the final rule in its attempts to alleviate stress in the animal. What we hope to convey is an adjustment in the final rule that would provide outside access as an optional component of organic certification for poultry in the northeast.

There are four major areas of concern we would like to highlight where the proposed standards will create hardship for organic egg producers in our region: 1) weather, 2) disease susceptibility, 3) food safety, and 4) environment and water quality impacts. Each of these areas has the potential to negatively impact the health of organic poultry.

The colder weather patterns of the northeast mandate farmers provide adequate shelter during a significant part of the year. Producing organic certified eggs in northern states will be virtually impossible during the winter months under the final rule. The rule will create a regionally discriminatory effect favoring one region at the expense of the family farms in another area.

The Poultry Council believes the regulations should be interpreted to consider the winter months in cooler climates as conditions under which the health, safety, or well being of the birds would justify confinement rearing of chickens and be consistent with the stated objectives.

Disease control is a significant challenge for any poultry producer in Pennsylvania whether they produce for organic or other markets. All producers must establish appropriate housing and sanitation practices to minimize the occurrence and spread of disease. Access to the outdoors to comply with the proposed organic standards will without questing increase the risk of disease introduction into poultry houses.

According to a game and fisheries specialist at Penn State University, many species of waterfowl and other birds migrate through Pennsylvania as a part of their natural flyways. As evidenced in Minnesota recently and during studies conducted in an outbreak of avian influenza in Pennsylvania in 1983, devastating poultry diseases are commonly carried by waterfowl and can be transmitted to any poultry they or their feces come into contact. Exposure to the outdoors will increase the likelihood of chickens contracting disease and will have a tremendous economic impact on all farms in the area.

The poultry industry in Pennsylvania experienced devastation to poultry flocks as a result of exposure to AI-infected ducks and geese in 1983. Millions of dollars were spent to destroy flocks of chickens and turkeys to this disease and created an incredible economic impact on the family farms who depend on poultry as their only source of income. It is imperative to minimize the risk of exposure to disease not only for the health of the birds but also the viability of the poultry industry.

Consumers buying organic foods make their buying decisions on a belief that organic foods are safer for their families. The safety of the eggs produced under the proposed organic standards will be compromised with the required access to outdoors. Unrestricted access of rodents to come into contact with the chickens will dramatically increase the risk of salmonella enteritidis contamination in eggs.

The Pennsylvania Egg Quality Assurance Program (PEQAP) is considered a national leader in food safety programs for egg production in the United States. We have very stringent criteria for rodent control in a layer facility as a primary tool for reduction of Se in poultry houses and to increase the safety of our eggs. A high level of management and expense to maintain the integrity of the house and keep rodents out is at the heart of our food safety program.

Mandating unrestricted doors for poultry to access the outdoors is an open invitation for rodent infestation in poultry houses and will lead to a higher risk of egg contamination. Outside access clearly decreases the level of food safety consumers expect when they purchase eggs, specifically eggs with organic labeling.

Water resource protection is a high priority for egg producers. Sound nutrient management to protect water quality has been a priority of the poultry industry for decades. Mandatory outside access has the potential to create a situation where soil levels of nitrogen and phosphorus become elevated and create a water quality hazard. Rainfall on unprotected outside pens will leach nitrogen and potentially phosphorus into groundwater and contaminate water supplies.

Flies will also become an even greater nuisance as they increase their populations in the ideal environments outside access will create. Allowing for covered protection with an impervious floor is the best way to manage poultry manure and protect our water resources.

Today's organic egg production practices have resulted from a growing demand for economically produced eggs while providing an environment for the chicken which minimizes disease and inclement weather challenges, increases food safety, and protects the environment. These production practices ultimately prove less stressful on chickens and should be adopted as acceptable production practices for organic poultry. At a minimum, we would recommend existing organic egg production facilities be grandfathered into the standards providing they make practical modifications which provide direct sunlight and ventilation for the chickens.

Sincerely,

James A. Shirk
PennAg Poultry Council